

**FINAL NOTICE AND PUBLIC EXPLANATION OF A
PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN OR WETLAND**

To: All interested Agencies, Groups, and Individuals

This is to give notice that the City of Norfolk has conducted an evaluation as required by Executive Orders 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands.

The proposed project, Riverside Station Apartments, is located at 5827 and 5845 Curlew Drive and 5786 Sellger Drive in Norfolk, Virginia. The Franklin Johnston Group proposes to redevelop four parcels totaling approximately 9.88 acres within a mixed residential/industrial area of the City of Norfolk for multi-family residential housing. The proposed apartment community would consist of approximately 236 mixed-income units located within seven 3- and 4-story buildings that will include 1-, 2-, and 3-bedroom floor plans. The footprint or building area is approximately 2.04 acres; the area of proposed construction within the floodplain is approximately 0.86 acre. There are approximately 1.61 acres of wetlands and 1,174 feet of waters within the project site. No buildings, site amenities, or parking areas will infringe in the wetland or within the Chesapeake Bay Preservation Area (CBPA) 30-foot buffer. The conceptual plan for the development also includes a pool, recreation center, and clubhouse.

The project site has been revised with a new design and all environmental findings in the overall ERR are therefore being re-evaluated per 24 CFR 58.47. The Early Notice for the revised project was published in the Virginia Pilot on Sunday, September 20, 2020. The original Early Notice was published in the Virginia Pilot on Sunday, February 23, 2020, and the original Final Notice was published in the Virginia Pilot on Sunday, March 22, 2020; a subsequent Notice of Correction was published in the Virginia Pilot on Sunday, April 5, 2020 to correct the comment period end date for the Final Notice.

The new design includes the following:

- building 5 on the northeast side of the site was lengthened and building 4 on the southeast side was shortened to remove a portion out of the floodplain-wetland
- the clubhouse shown on the original conceptual layout has been renamed to “Recreation Center”
- a smaller clubhouse building has been added between buildings 3 and 6
- the tot lot area has been reduced
- the multi-use path along Curlew Drive now terminates at the drive aisle
- the small pond located on the northwest side of the site between the trash compactor and building 7 has been removed
- the geometry of the larger pond next to the “Recreation Center” has changed
- permeable pavement has been added in many of the parking bays
- the locations of wetlands and CBPA buffers have been field verified and shown on the site plans; these locations were not field verified on the original Conceptual Layout dated January 9, 2019

The purpose of this project is to provide mixed income housing in close proximity to transit. The Franklin Johnston Group proposes to use Norfolk Redevelopment and Housing Authority (NRHA) Project-Based Vouchers through its Housing Choice Voucher program for this project.

The proposed project site was chosen based on its geographic location within one-half mile of the Military Highway Station, along HRT's Tide Light Rail line. In accordance with the City of Norfolk General Plan, the project site falls within a Transit Supportive Area where the City of Norfolk intends to support the development of uses that create opportunities for a mix of employment and residential activity that promotes transit, bicycle, and pedestrian activity, while discouraging low intensity auto-oriented uses. As such, no alternative locations were identified or considered for the proposed project.

Presently, the No Action Alternative is not a consideration unless funding is not readily available, in which case construction could be delayed while additional funding sources are explored and evaluated. Continued use of the project site as it exists today would not provide mixed income housing in close proximity to transit. Therefore, the No Action Alternative would not meet the purpose and need of the project.

It is the City of Norfolk's determination that there is no practicable alternative for partially locating the project in the floodplain-wetland. This is based on: 1) the need to provide mixed income housing in close proximity to transit; 2) the project's site location within a Transit Supportive Area; 3) the lack of developable land for the construction of multi-family housing within the Transit Supportive Area; 4) the need to construct an economically feasible project; 5) the site's access to schools, health care, and social services; and 6) the ability to mitigate and minimize impacts on human health, public property, and floodplain-wetland values.

The City of Norfolk has considered the following mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

- (a) Preserving Lives: In order to preserve lives, local law enforcement and the emergency broadcast system will implement an early warning system should flooding conditions arise. In addition to the warning system, law enforcement has an emergency evacuation and relocation plan. The new structures will also be marked with identification marks of past and estimated flooding and the interior common areas will display an evacuation plan. All residents will also be briefed on the location of the flood hazard area and evacuation plans upon placement. The building will also be elevated to the BFE of eight feet plus three feet of freeboard to protect any flood survivors who may be stranded during a flood event.
- (b) Preserving Property: In order to preserve property, flood insurance will also be acquired and maintained in order to mitigate possible flood damage. The structures will be elevated to the BFE of eight feet plus three feet of freeboard to save on flood insurance cost and to enhance the structures' ability to withstand floods. All construction will be elevated consistent with FEMA's Lowest Floor Guide and use flood resistant materials consistent with FEMA bulletins.
- (c) Preserving Natural Values and Minimizing Impacts: The site design chosen as part of the

proposed project reduces floodplain-wetland impacts. By elevating the buildings to the BFE of eight feet plus three feet of freeboard, the construction will have minimal effects on water resources. Impacts to the floodplain-wetland will also be limited based on construction occurring within a previously developed site.

Any discharges of dredged or fill material, including those associated with mechanized land clearing, into waters and/or wetlands on this site may require a Department of the Army permit and authorization by state and local authorities including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ), and/or a permit from the Virginia Marine Resources Commission (VMRC).

Per the City of Norfolk, the site will be required to obtain approval through the Site Plan Review process, which includes compliance with Landscaping, Perimeter Buffers, Screening, Open Space Set-Asides, Tree Protection, and Resilience Quotient. These actions will serve to both restore habitat off and on site while also preserving non-impacted areas to minimize effects.

Additionally, the City of Norfolk has policies in place to reduce wetland impacts through restoration and mitigation. The Local Wetland Board (LWB) has jurisdiction over wetlands within the tidal area which extends beyond the limits of wetlands (1.5 times the tidal range); a permit from the LWB may be required pursuant to the Code of Virginia 28.2-1303 and Norfolk City code 49-1. The project will also comply with the Specific Development Standards Within the Chesapeake Bay Preservation Area (CBPA) in the City of Norfolk Zoning Ordinance and maintain a 30-foot buffer from the CBPA. Residences will be constructed to EarthCraft® Gold, EPA EnergyStar, and WaterSense certified design standards of increased energy efficiency.

The City of Norfolk has reevaluated the alternatives to building in the floodplain-wetland and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Orders 11988 and 11990 are available for public review upon request as delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment because the project has been adapted in order to minimize effects on floodplain-wetland values. Additionally, design aspects have been implemented to minimize risks to human life and property, including site grading and design, and a natural vegetation reestablishment plan, to maintain continuity and connectivity with the surrounding environment. Compliance with federal, state, and local permitting requirements and regulations will further ensure that impacts to the environment are less than significant.

This notice serves three primary purposes. First, people who may be affected by activities in floodplains-wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains-wetlands can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and

modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains-wetlands, it must inform those who may be put at greater or continued risk.

Comments must be received by the City of Norfolk on or before October 26, 2020. Comments must be prepared and submitted via email at HUDEntitlement@norfolk.gov or by phone at (757) 664-4257, Attn: Megan Erwin. A full description of the project may be reviewed online at www.norfolk.gov/hudentitlement. *Note: due to COVID-19 (Coronavirus), Norfolk's "stay at home" direction remains in effect until further notice and many City facilities remain closed. Please call the Office of Budget & Strategic Planning at (757) 664-4283 for up-to-date information or to obtain project information.*

Date: October 11, 2020